

REMARKS

Applicant thanks the Examiner for the thorough examination of the present application, and respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. At the time of the outstanding Office Action dated January 19, 2010 (“Office Action”), claims 40-46, 48-56, and 58-71 were pending. By way of the present response, claims 40-46, 48-56, and 58-71 have been canceled without prejudice or disclaimer, and new claims 72-90 have been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Upon entry of this response, claims 72-90 will be pending for examination.

I. 35 U.S.C. § 101

The Office Action rejects claims 54-56 and 58-67 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Although Applicant does not agree with or acquiesce to this rejection, claims 54-56 and 58-67 have been canceled, and therefore the rejection is moot.

II. 35 U.S.C. § 103(a)

The Office Action rejects claims 40-41, 54-55 and 68-69 under 35 U.S.C. 103(a) as being unpatentable U.S. 6,393,388 (“Franz”) in view of U.S. 5,444,817 (“Takizawa”) and further in view of U.S. 6,553,021 (“Bishop”). Additionally, the Office Action rejects claim 70 under 35 U.S.C. 103(a) as being unpatentable over Franz, Takizawa, Bishop and further in view of U.S. 6,614,797 (“Hippelainen”). Still further, the Office Action rejects claims 42-46, 58-62 and 71 under 35 U.S.C. 103(a) as being unpatentable over Franz, Takizawa, Bishop, and further in view of U.S. 7,013,267 (“Huart”). In addition, the Office Action rejects claims 51-53 and 63-67 under 35 U.S.C. 103(a) as being unpatentable over Franz, Takizawa, Bishop and further in view of U.S. 6,480,827 (“McDonald”). Additionally, the Office Action rejects claims 49 and 50 under 35 U.S.C. 103(a) as being unpatentable over Franz, Takizawa, Bishop, Huart, and McDonald.

Furthermore, the Office Action rejects claims 40-71 under 35 U.S.C. 103(a) as being unpatentable over Franz, Takizawa, Bishop, and further in view of U.S. 6,775,652 ("Cox").

Although Applicant does not agree with or acquiesce to the above rejections, claims 40-46, 48-56, and 58-71 have been canceled, and therefore the above-mentioned rejections are moot. To the extent that the Examiner may believe that the cited references apply to new claims 72-90, Applicant respectfully disagrees for at least the reasons set forth below.

Franz discloses "a translating apparatus and a translating method for translating a first language sentence expressed in a first language into a second language sentence expressed in a second language" Franz at 1:12-15. In particular, Franz discloses that, "[w]hen it receives the first language sentence and the morpheme information from the collating part 2, the clause dividing part 4 determines whether or not there is in the first language sentence a clause matching any of the examples stored in a clause division pattern translation example memory 5, and when there is such a clause in the first language sentence cuts the first language sentence at this clause and thereby divides the first language sentence into clauses, or large syntax units." Franz at 15-23. Additionally, Franz discusses that "[b]y compounding (combining) the results of translation of a plurality of clauses supplied to it in this way the clause compounding part 15 produces a second language sentence." Franz at 11:24-28.

In contrast to Franz, independent claim 72 recites "a first generation unit that generates voice data Real-time Communication Packets (RTPs) based on received data; ... a second generation unit that combines the plurality of voice data RTPs in the clause units obtained by the division unit to generate a single piece of packet data; a third generation unit that converts the single piece of packet data generated by the second generation unit into file data; and ... the transmitting terminal transmits the data generated by the first generation unit through a transmission path when the communication status is normal, transmits the data generated by the second generation unit when the communication status is poor, and transmits the data generated by the third generation unit when the communication status is poor even further" (Emphasis added.) In a similar manner, independent claim 82 recites "generating, by a first generation unit,

voice data Real-time Communication Packets (RTPs) based on received voice data; ... combining, by a second generation unit, the plurality of voice data RTPs in the clause units to generate a single piece of packet data; converting, by a third generation unit, the single piece of packet data into file data; ... a transmitting terminal ... transmits the voice data RTPs generated by the first generation unit in response to a first communication status, transmits the single piece of packet data generated by the second generation unit in response to a second communication status, and transmits the file data generated by the third generation unit in response to a third communication status." (Emphasis added.) Hence, based upon the monitored communication status, particular data associated with a particular generation unit is transmitted. Because Franz does not disclose such a concept, much less the specific types of data, arrangement, and/or processes of claims 72 and 82, Applicant respectfully submits that Franz cannot be reasonably interpreted as rendering obvious these claims.

Takizawa does not disclose the claim elements absent from Franz. Takizawa is directed to a speech recognizing apparatus. In particular, the background section of Takizawa mentions that progress has been made in "recognizing a short utterance such as a syllable or a word" or "a long utterance such as a clause or a sentence." Takizawa at 1:12-15. Later, in the detailed description, Takizawa discusses that duration information can be used in speech processing. *See, e.g.,* Takizawa at 26:1-35.

Takizawa, however, fails to disclose or suggest monitoring a communication status and transmitting particular data associated with a particular generation unit based thereon. Moreover, Takizawa fails to disclose or suggest the specific type of data, arrangement, and/or processes recited in claims 72 and 82. Hence, Franz cannot be reasonably interpreted as disclosing the claim elements absent from Franz, and therefore should not be viewed as rendering obvious claims 72 and 82.

Bishop does not disclose the claim elements absent from Franz and Takizawa. Bishop discloses a method for "improv[ing] the efficiency of transmitting packets of variable sizes through the use of new packet formatting techniques that reduce the overhead required for high data rate transmission." Bishop at 1:10-15. In particular, Bishop discloses a "[f]irst packet

assembler 90 [that] receives real time signal 84 at a first input 96" and a "voice encoder [that encodes] voice signal 84 into a digital bit stream according to predetermined encoding and forward error correction protocols conventionally used for voice signal, for example, through linear predictive coding (LPC)." Bishop at 6:44-51. Further, Bishop discloses that "[i]n response to timing and control information from controller 88, first multiplexer 102 segments encoded voice signal 84 from voice buffer 100 into first signal units 110 which are subsequently appended with overhead 104 from overhead information memory element 103 to generate first packets 111 of real time signal 84 in a first packet format 113." Bishop at 6:63-7:2.

In contrast to Bishop, independent claim 72 recites "a first generation unit that generates voice data Real-time Communication Packets (RTPs) based on received data; ... a second generation unit that combines the plurality of voice data RTPs in the clause units obtained by the division unit to generate a single piece of packet data; a third generation unit that converts the single piece of packet data generated by the second generation unit into file data; and ... the transmitting terminal transmits the data generated by the first generation unit through a transmission path when the communication status is normal, transmits the data generated by the second generation unit when the communication status is poor, and transmits the data generated by the third generation unit when the communication status is poor even further" (Emphasis added.) In a similar manner, independent claim 82 recites "generating, by a first generation unit, voice data Real-time Communication Packets (RTPs) based on received voice data; ... combining, by a second generation unit, the plurality of voice data RTPs in the clause units to generate a single piece of packet data; converting, by a third generation unit, the single piece of packet data into file data; ... a transmitting terminal ... transmits the voice data RTPs generated by the first generation unit in response to a first communication status, transmits the single piece of packet data generated by the second generation unit in response to a second communication status, and transmits the file data generated by the third generation unit in response to a third communication status." (Emphasis added.) Because Franz does not disclose at least monitoring a communication status and transmitting particular data associated with a generation unit based

thereon, Applicant respectfully submits that Franz cannot be reasonably interpreted as disclosing the claim elements absent from Franz and Takizawa.

With regard to the remaining Hippelainen, Huart, McDonald and Cox references, Applicant respectfully submits that these references were cited in the Office Action merely as alleged evidence of one or more limitations recited in the previously presented dependent claims of the present application. None of these remaining references, however, cures the above-discussed deficiencies of Franz, Takizawa, and Bishop, nor has the Examiner asserted that they do. Thus, Applicant respectfully submits that these references do not render obvious independent claims 72 and 82.

CONCLUSION

Because none of the references cited in the Office Action, either separately or in combination with each other, teaches or suggests all of the features recited in independent claims 72 and 82, Applicant submits that independent claims 72 and 82 are patentable over these cited references. Furthermore, because dependent claims 73-81 and 83-90 are each directly or indirectly dependent upon independent claims 72 and 82, Applicant submits that each of these claims are allowable for at least the same reasons discussed above, in addition to other reasons which Applicant reserves the right to argue at a later time if necessary.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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